IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO.3639 OF 2007

Masrat Qureshi and others : Applicants.

versus

The State of Maharashtra : Respondent.

Mr.Ganesh Gole for the applicants.

Mr.S.S.Pednekar, APP, for the State.

CORAL : V.C.DAGA, J

DATED : NOVEMBER 01, 2007.

P.C.

1. Heard learned counsel for the applicants and learned PAP for the State.

2. Perused the application and material available on record.

3. The case of the complainant is that on

1.7.2007, when Officers of M.S.E.B. were putting cable in Jivan Baug area, Mumbra at that time, one Yasin Anyb Qureshi, the Corporator of the said area along with his brothers i.e. the present applicants and 50-60 persons gathered. During the course of enquiry by the applicants at whose instance work of putting cable was being done, some unfortune events happened resulting in exchange of hot words. The uncle of the complainant tried to intervene. The members of the mob were not in a mood to listen. They started assaulting the complainant with fist and blows. At that time, police constables, who were on duty, were also man-handled by the members of the mob. A complaint came to be lodged with Mumbra Police Station reporting above incident along with theft of Rs.2 lacs from his office. C.R.No.I-344 of 2007 came to be registered against the applicants and other accused persons.

4. The applicants apprehend their arrest in the above mentioned C.R. registered with Mumbai Police Station for the offences under Sections 395, 353, 332, 325, 146, 147, 148, 452, 427, 504, 323 read with Section 149 of the Indian Penal Code and Sections 37(1) and 135 of the Bombay

Police Act.

5. Applicants are seeking anticipatory bail under Section 438 of the Cr.P.C.

6. During the course of hearing, learned counsel for the applicants submitted that the applicants would be entitled for bail on parity, since the bail has been granted by this Court to some of the accused persons viz. Mohammed Ajgar Ayub Qureshi and Anr and, Yasin Ayub Qureshi. The submission is misplaced. Looking to the role attributed to the present applicants as described in the FIR, wherein a specific over act is alleged against them, their case cannot be equated with that of the persons who have already been enlarged on bail. No case is made out for granting anticipatory bail. The application is, therefore, rejected.

[V.C.DAGA,J]